



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 10, 2005

III.3.
ITEM NUMBER:

**SUBJECT: REVIEW OF CONDITIONAL USE PERMITS PA-95-10 AND PA-03-39
CORNER OFFICE SPORTS BAR AND GRILL
580 ANTON BLVD. #201**

DATE: SEPTEMBER 29, 2005

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

Review of conditional use permits PA-95-10 and PA-03-39 for an existing sports bar/restaurant (Corner Office Sports Bar and Grill) for possible modification to the conditions of approval or revocation.

APPLICANT

The operators of Corner Office Sports Bar and Grill are Duane V. Heldt and Stephanie Potter. The property owner is Roger Allensworth.

RECOMMENDATION

Modify the conditions of approval for conditional use permit PA-95-10 and revoke conditional use permit PA-03-39 by adoption of Planning Commission resolution.



MEL LEE, AICP
Senior Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

On February 13, 1995, Planning Commission approved conditional use permit PA-95-10 for an expansion of the business, then called Legends Sports Bar, into an adjacent restaurant space to allow 6 billiards tables and 4 or more electronic game machines.

On January 12, 2004, Planning Commission approved conditional use permit PA-03-39 for the establishment, which had become Corner Office Sports Bar and Grill. The conditional use permit allowed live entertainment consisting of a combination of karaoke, live music, mobile disc jockey, and dancing on various nights. The purpose of the live entertainment was to attract additional customers to the business in the evening hours once sporting events have ceased. In addition to the conditional use permit for live entertainment approved by the Commission, City staff also issued a Public Entertainment Permit as required by City Code Section 9-193 to the operators of the establishment on January 29, 2004.

ANALYSIS

Municipal Code Section 13-29(o) (Enforcement Authority) allows the Planning Commission to modify or revoke a planning application (including conditional use permits) if the following conditions are found to apply:

1. The use constitutes a public nuisance; or
2. The use does not comply with the conditions of approval.

According to the Police Department, several incidents of criminal activity and City Code violations were documented at the establishment in a 13-month period from April 2004 to May 2005, which are discussed in the Police Department memos attached to this report. The nature of the criminal activity and Code violations appears to be linked to three factors: (1) live entertainment at the establishment, (2) private parties at the establishment, and (3) late operating hours at the establishment. Additionally, patrons were observed drinking alcoholic beverages within an outdoor patio area, which was not allowed under the conditions of approval for the CUPs due to the limited parking; the outdoor patio has since been removed. As a result of these incidents, staff has brought the CUPs back before the Commission for review, modification to the conditions of approval, and/or revocation.

As discussed in the attached Police Department memos, officers have responded to 45 calls for Police service at Corner Office during a 13-month period; of those calls, 36 were crime related. The increase in calls for Police service is considered substantial when compared to the prior 12 months (before the conditional use permit for live entertainment and dancing was granted), when only 5 calls for Police service was received, and when compared to similar establishments in the City. The Police Department met with the operators in February 2005 in an attempt to work with them to resolve these problems (see Police Department memo dated August 2, 2005) and have been notified by City staff that continued problems may result in possible revocation of their Public Entertainment

and Conditional Use Permits (see Code Enforcement letter dated November 3, 2004). However, the problems have continued whenever live entertainment, private parties, and late hours have occurred. The specific problems are ongoing criminal activity; ongoing municipal code violations, over serving of alcoholic beverages, and lack of adequate security.

Based on the problems related to the establishment that have been documented by the Police Department, the code violations observed by staff, and the inability of the operators to correct these problems despite attempts by the Police Department and City staff to work with them, staff is recommending the following actions be taken on the conditional use permits for the establishment:

1. Modify the conditions of approval for conditional use permit PA-95-10 as follows:
 - Condition No. 2(A): Daily hours of operation shall be restricted to the period between 9 a.m. and 4 a.m. 11:00 p.m.
 - Condition No. 2(B): There shall be no ~~expansion~~ of outdoor seating or tables in conjunction with this use.
 - Condition No. 7 (new condition of approval): Live entertainment and/or dancing shall be prohibited.
 - Condition No. 8 (new condition of approval): No private parties shall be permitted.
2. Revoke conditional use permit PA-03-39. If the conditional use permit is revoked, live entertainment and dancing, either through PA-95-10 or a Public Entertainment Permit, would not be permitted.

It is staff and the Police Department's opinion that with the recommended modifications to the conditions of approval for PA-95-10, and the revocation of PA-03-39, the calls for Police service and other problems will be greatly reduced.

Other Issues

On August 16, 2005, City Council approved General Plan Screening request GPS-05-03 that would allow the entire Lakes Pavilion retail center (where the establishment is located) to be redeveloped with two high-rise condominium towers. Because an Environmental Impact Report (EIR) is required to be prepared for the project, public hearings on the general plan amendment and other entitlements for the project would likely not be scheduled until spring or summer of 2006.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Modify the conditions of approval for PA-95-10 and revoke PA-03-39 as recommended by staff;

2. Revoke both conditional use permits, which would require the use to cease operation at the site; or
3. Retain the conditions of approval for both conditional use permits as originally approved.

CONCLUSION

The operation of the Corner Office does not comply with the established conditions of approval and is detrimental to the public health, safety, and general welfare. The modifications to the conditional use permits as proposed should address these problems and concerns.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Police Department Memos
 Code Enforcement Letter Dated November 3, 2004
 Location Map and Plans
 Staff Reports for PA-95-10 and PA-03-39

cc: Deputy City Manager-Dev. Svs. Director
 Sr. Deputy Attorney
 Police Department – Crime Prevention
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Duane V. Heldt
Corner Office Sports Bar and Grill
580 Anton Boulevard, #201
Costa Mesa, CA 92626

Stephanie Potter
Corner Office Sports Bar and Grill
580 Anton Boulevard, #201
Costa Mesa, CA 92626

Eric Strauss
America West Properties
26302 La Paz Road #215
Mission Viejo, CA 92691

Roger Allensworth
P.O. Box 68021-256
Anaheim, CA 92817

af

RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA MODIFYING CONDITIONAL USE
PERMIT PA-95-10 AND REVOKING CONDITIONAL USE
PERMIT PA-03-39**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES
AS FOLLOWS:

WHEREAS, an application was approved, with respect to the real property located at 580 Anton Boulevard, #201, for conditional use permits for an existing sports bar and restaurant (Corner Office Bar and Grill); and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2005 to review, modify, and/or revoke the conditional use permits.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **MODIFIES** PA-95-10 and **REVOKES** PA-03-39 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for PA-95-10 and PA-03-39 upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 10th day of October, 2005.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA))ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 10, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The use, as modified and conditioned, complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The use, as modified and conditioned, is compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation will remain unchanged.
 - The project is consistent with the General Plan.
 - The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the use, as modified and conditioned, is substantially compatible with developments in the same general area. Granting the modifications to the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the revocation of the conditional use permit allowing live entertainment and dancing, and limiting the closing time to 11:00 p.m., for the remaining conditional use permit, as well as additional conditions of approval, will minimize any impacts the use may have on the surrounding neighborhood. Granting the modifications to the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. The conditions of approval for PA-95-10, as modified, shall continue to be complied with, including, but not limited to, the following:
- A. Daily hours of operation shall be restricted to the period between 9 a.m. and 11 p.m.
 - B. There shall be no outdoor seating or tables in conjunction with this use.
 - C. A maximum of six (6) billiards tables shall be allowed in conjunction with this conditional use permit and the area devoted to electronic game machines shall not exceed 700 square feet.
 - D. The supervision of the patrons on the premises shall be adequate to ensure there is no conduct that is detrimental to the public health, safety, and general welfare.
 - E. Applicant is reminded that valet parking for patrons of The Lakes retail center is to occur only on the premises.
 - F. The premises shall be maintained as a bona fide eating establishment in accordance with California Alcoholic Beverage Control requirements.
 - G. There shall be no room or designated area reserved for the exclusive use of designated persons or "Private Club Members".
 - H. The business shall be conducted at all times in a manner that will allow for the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute necessary security and operational measures to comply with this requirement.
 - I. Sales of alcoholic beverages for off-site consumption shall be prohibited.
 - J. The two doors from the proposed game room that open towards the interior of The Lakes center shall be emergency exits only, and shall remain closed at all times while the business is in operation.
 - K. A copy of the conditions of approval shall be kept on the premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. The applicant shall maintain free of litter of all areas of the premises under which applicant has control.
4. Complaints regarding the violation of any of the above operating conditions and restrictions shall be immediately remedied by the applicant.
5. The applicant shall contact the Planning Division to arrange for a "special

requirements" inspection of the site to confirm that the conditions of approval and code requirements have been satisfied.

6. The maximum occupancy, as determined by the Uniform Building Code or other applicable codes, shall be posted in public view within the premises. It shall be the responsibility of management to ensure that the maximum allowable occupancy is not exceeded at any time.
7. Live entertainment and/or dancing shall be prohibited.
8. No private parties shall be permitted.

POLICE DEPARTMENT MEMOS

**CITY OF COSTA MESA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM**

TO: Jim Golfos, Chief of Code Enforcement

FROM: Lieutenant Karl Schuler, Area II Commander

SUBJECT: Modification to Corner Office Sports Grill Public
Entertainment Permit

DATE: August 2, 2005

PURPOSE:

Revocation/modification of the Corner Office Sports Grill's Public Entertainment Permit to prohibit dancing, live music or mobile disc jockey, private parties, and enact a closing time of no later than 11:00 P.M.

BACKGROUND:

On June 7 and 15, 2005, Police Department staff submitted reports to Senior Planner Mel Lee, requesting revocation/modification to the existing Public Entertainment Permit at the Corner Office Sports Grill (580 Anton Boulevard). In the reports directed to Mel Lee, Police Department staff outlined ongoing specific violations of State and local Municipal Code violations. All of the data submitted was gathered over the past thirteen (13) months.

ANALYSIS:

In February of this year, Police Department staff met with co-owners, Duane Heidt and Stephanie Potter, to discuss concerns of increased criminal activity and Municipal Code Violations. Mr. Heidt and Ms. Potter assured me that they would keep a watchful eye on their business and would have their private security be more attentive. Due to staff's concerns, Code Enforcement was instructed to issue a three (3) month Public Entertainment Permit. The current Public Entertainment Permit expires on June 15, 2005.

Statistical data for the Corner Office Sports Grills was gathered and is only available from April 2004 to date. For a thirteen (13) month period, Police Department personnel have responded to forty-five (45) calls for service at the Corner Office Sports Grill. Of the total calls responded to, thirty-six (36) were crime related. These figures indicate a large increase compared to the one (1) year period prior to November 2002. The above-mentioned issues all relate to each other and have led to increased police and fire attention. The Corner Office Sports Grill is consuming valuable City resources when these same resources are needed elsewhere throughout the City.

Ongoing Criminal Activity

As mentioned earlier, crime has been ongoing at the Corner Office Sports Grill during the past thirteen (13) months. Most notable is a shooting that occurred on May 21, 2005. The Corner Office Sports Grill played host to a private birthday party. A witness described the partygoers as "Gang member types." A fight ensued in the interior of the location and ended up outside. Several shots were fired and a total of three (3) persons were hit. All three (3) were treated at local hospitals. In addition to the wounded parties, stray bullets struck properties on the west side of Avenue of the Arts, causing damage to private property.

On October 16, 2004, a patron of the Corner Office Sports Grill was stabbed five (5) times, while two (2) other patrons were struck/injured by beer bottles.

During the same time period, four (4) additional fights have occurred involving patrons of the Corner Office Sports Grill. Of the above-mentioned incidents, Costa Mesa Paramedics responded for medical aid. All serious crimes committed occurred after 11:00 p.m. In addition, the shooting and stabbing incidents involved patrons who were attending private parties at the business. The aforementioned incidents are a violation of CMMC Section 9-201 (d).

Ongoing Municipal Code Violations

As mentioned earlier, section 2B states that there shall be no outside patio use. During the timeframe in question, officers have responded to, or discovered at least sixteen (16) violations of this section. In addition to patrons being in a prohibited location, they have been in possession of open containers of alcoholic beverages. These incidents have been documented and copies of the reports were forwarded to Code Enforcement. Police have also responded to at least eight (8) complaints of loud music by neighboring businesses and hotel guests. This is a direct violation of section 2H of the Corner Office Sports Grill's Public Entertainment Permit. The aforementioned is a violation of Section CMMC 9-201 (b).

Over serving of Alcoholic Beverages

Officers have dealt with two (2) patrons who were arrested for public drunkenness and three (3) additional patrons were arrested for drunk driving. In a telephone conversation with Stephanie Potter (co-owner) approximately two (2) weeks ago, I explained to her that I was concerned with increased criminal activity at her business. In one response to a statement that I made to Ms. Potter, she stated to the effect, what was she to do if the customers drink too much. Ms. Potter paused at the same time I interjected, "Don't over serve." She replied, "You're right." The aforementioned incidents are violations of CMMC Section 9-201 (b).

Lack of Adequate Security

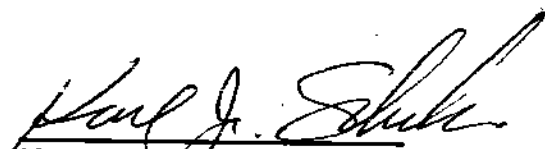
Since the recent shooting incident (May 21, 2005), officers have been conducting increased patrol in and about the Corner Office Sports Grill. On Saturday, May 28, officers did not see any security officers at the business. Under sections 2D&H, Corner Office Sports Grill is required to utilize security officers to supervise patrons and assure that the business complies with certain requirements of the permit.

The sixteen (16) violations of the patio use (2B) and eight (8) violations of the noise restriction (2H), clearly indicate that security, if present, is not doing what is required of them. Additionally, patrons are drinking alcoholic beverages in excessive levels, which are leading to public intoxication and drunk driving arrests and the potential for fatal traffic collisions. Patrons are fighting with bottles, knives and guns. Where was the Corner Officer Sports Grill's security staff when these incidents occurred? These incidents are violations of CMMC Section (I).

RECOMMENDATIONS:

To reduce criminal activity and provide a safer environment, Police Department staff recommends that the following conditions be met in regards to the Corner Office Sports Grill's Public Entertainment Permit:

1. Eliminate live music, Karaoke, mobile disc jockey and dancing.
2. No private parties
3. A closing time of no later than 11:00 p.m.


KARL J. SCHULER
Lieutenant

COSTA MESA POLICE DEPARTMENT

MEMORANDUM

TO: Mel Lee, Senior Planner
Willa Bouwens-Killeen, Principal Planner

FROM: Lieutenant Karl Schuler, Area II Commander

SUBJECT: Modification to Corner Office Sports Grill Public
Entertainment Permit

DATE: June 15, 2005

Per your request dated June 7, 2005, Police Department staff has compiled the statistical data relating to the Corner Office, Shark Club, Garf's and Shooters. The data spans the period from April 2004 to June 6, 2005. Each police report generated at the aforementioned establishments was reviewed to confirm the type of incident.

This report will discuss the criminal and non-criminal activity at each establishment. The following chart is offered to illustrate a comparison between the four (4) locations:

Location	Total Calls	Total Reports	Criminal	Non-Criminal	Unfounded
Garf's	21	9	7	14	12
Shooters	3	1	1	1	2
Shark Club	78	29	20	9	49
Corner Office	54	18	18	36	36

GARF'S

Garf's is a drinking/eating establishment that has pool tables and television monitors that display sporting events. Garf's experienced a very low level of activity for the thirteen (13) month study period. The Police Department



responded to, or generated a total of twenty-one (21) calls; only nine (9) reports were completed. There were a total of two (2) vehicle burglaries and the passing of a counterfeit bill case. The only assault and battery case involved a single fist strike to a man who was standing outside the location on an attached patio.

SHOOTERS

It should be noted that Shooters has gone out of business and was not open for the entire span of this study. Shooters had a total of three (3) police related calls. One of the calls was a vehicle burglary and the associated crime scene investigation. The other call was the report of a fight that responding officers were unable to locate.

SHARK CLUB

The Shark Club is a drinking/eating establishment that caters to a young crowd and offers music and dancing. This location draws large numbers of patrons. Often times long lines of potential customers wait outside to enter, based on legal capacity levels. There were seventy-eight (78) police responses to the Shark Club for the thirteen (13) month study period. A total of twenty-nine (29) police reports were taken, twenty (20) of which were of a criminal nature. Forty-nine (49) calls resulted in no police action. There were nine (9) assaults or assault and battery reports. All of these crimes involved minor injuries. Of these reports, four (4) were claims of assaults by security guards removing intoxicated or unruly patrons. In all of the assault incidents, the involved parties were patrons of the Shark Club.

CORNER OFFICE

The Corner Office Sports Grill is a drinking/eating establishment that has pool tables and several television monitors that generally broadcast sporting events. The location also offers music and dancing. There were a total of fifty-four (54) police responses or police generated calls at the Corner Office Sports Grill. Of these calls, eighteen (18) reports were taken, all of a criminal nature. Nine (9) calls were reports of City Municipal Code violations. There were an additional eleven (11) disturbance and loud music complains that were handled by warning the Corner Office Sports Grill management. There were five (5) reports of fights and assault and battery incidents.


On October 16, 2004, a patron of the Corner Office Sports Grill was stabbed five (5) times and struck with beer bottles. This crime occurred the same night that The Corner Office Sports Grill began their "No Cover Charge 21 and Over" and Friday night events that featured "Drink Specials all Night Long."

On May 21, 2005, a shooting incident occurred at the Corner Office Sports Grill. Three (3) patrons were shot and injured. All of the victims were taken to local hospitals for treatment. These victims had been attending a private party inside the location where a fight broke out.

All of the aforementioned incidents involved Corner Office Sports Grill patrons, and took place either inside the business, parking lot or attached patio. None of the assaults or fights involved confrontations between security guards and patrons.

CONCLUSION

Of the four (4) locations studied, the Shark Club and the Corner Office Sports Grill generated the highest number of police related calls. Of these two (2), the Shark Club hosts significantly larger numbers of patrons. As mentioned before, almost one half of the assaults that occurred at the Shark Club were security officers keeping the peace. None of the assaults resulted in serious injuries. On the other hand, two (2) of the five (5) assaults that took place at the Corner Office Sports Grill involved knives and guns and resulted in serious injuries. Additionally, nine (9) City Municipal Code violations occurred because patrons were allowed to drink in restricted areas. These events, coupled with the eleven (11) disturbances and loud music complaints, demonstrate the overall lack of control by the security and management staff at the Corner Office Sports Grill.


KARL J. SCHULER
Lieutenant

Cc: John Hensley, Chief of Police

**CITY OF COSTA MESA
POLICE DEPARTMENT
INTER OFFICE MEMORANDUM**

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JUN 7 2005

TO: Mel Lee, Senior Planner

FROM: Lieutenant Karl Schuler, Area II Commander

SUBJECT: Modification to Corner Office Sports Grill Public
Entertainment Permit

DATE: June 7, 2005

PURPOSE:

Revocation/modification of the Corner Office Sports Grill's Public Entertainment Permit to prohibit dancing, live music or mobile disc jockey, private parties, and enact a closing time of no later than 11:00 P.M.

BACKGROUND:

Recent calls for police services, has prompted a closer look into the activity at the Corner Office Sports Grill. Reports indicate that during the past thirteen (13) months, assault with deadly weapons (including a shooting and a stabbing), fights, a rape and entertainment permit violations have occurred. In a recent shooting, three (3) persons were injured and associated stray bullets damaged property other than that of the Corner Office Sports Grill's.

ANALYSIS:

The Corner Office Sports Grill, located at 580 Anton Boulevard, Suite 210, currently possess a Public Entertainment Permit that allows for live music, Karaoke a mobile disc jockey and dancing. These functions are permitted Thursday through Sunday, from 9:00 p.m. through 2:00 a.m. The maximum legal occupancy of the establishment is 234 patrons.

In November 2002, the City received a request to transfer an existing type 47 (on-sale general for a bona fide eating establishment) ABC license to the new

business owner, Corner Office Sports Grill. Planning staff requested input from the Police Department as to whether this was a problem business. At the time, it was indicated that the five (5) reported calls for service received in the previous 12 months, was lower than the average number of such businesses City wide. As a result, the Police Department did not consider this a problem business and recommended approval of the ABC license transfer.

In 2004, the Planning Commission approved a permit to allow live entertainment and dancing at the Corner Office Sports Grill. This permit is automatically required to fulfill the obligations of City Code. Condition 2B states "Outside seating designated solely to the restaurant is not permitted because inadequate parking exists to support additional restaurant area."

In February of this year, Police Department staff met with co-owners, Duane Heidt and Stephanie Potter, to discuss concerns of increased criminal activity and Municipal Code Violations. Mr. Heidt and Ms. Potter assured me that they would keep a watchful eye on their business and would have their private security be more attentive. Due to staff's concerns, Code Enforcement was instructed to issue a three (3) month Public Entertainment Permit. The current Public Entertainment Permit expires on June 15, 2005.

There are four (4) issues to consider when discussing the revocation/modification of the current Public Entertainment Permit:

1. Ongoing criminal activity.
2. Ongoing Municipal Code violations.
3. Over serving of alcoholic beverages.
4. Lack of adequate security.

Statistical data is only available from April 2004 to date. For a thirteen (13) month period, Police Department personnel have responded to forty-five (45) calls for service at the Corner Office Sports Grill. Of the total calls responded to, thirty-six (36) were crime related. These figures indicate a large increase compared to the one (1) year period prior to November 2002. The above-mentioned issues all relate to each other and have led to increased police and fire attention. The Corner Office Sports Grill is consuming valuable City resources when these same resources are needed elsewhere throughout the City.

Ongoing Criminal Activity

As mentioned earlier, crime has been ongoing at the Corner Office Sports Grill during the past thirteen (13) months. Most notable is a shooting that occurred on May 21, 2005. The Corner Office Sports Grill played host to a private birthday party. A witness described the partygoers as "Gang member types." A fight ensued in the interior of the location and ended up outside. Several shots were

fired and a total of three (3) persons were hit. All three (3) were treated at local hospitals. In addition to the wounded parties, stray bullets struck properties on the west side of Avenue of the Arts, causing damage to private property.

On October 16, 2004, a patron of the Corner Office Sports Grill was stabbed five (5) times, while two (2) other patrons were struck/injured by beer bottles.

During the same time period, four (4) additional fights have occurred involving patrons of the Corner Office Sports Grill. Of the above-mentioned incidents, Costa Mesa Paramedics responded for medical aid. All serious crimes committed occurred after 11:00 p.m. In addition, the shooting and stabbing incidents involved patrons who were attending private parties at the business.

Ongoing Municipal Code Violations

As mentioned earlier, section 2B states that there shall be no outside patio use. During the timeframe in question, officers have responded to, or discovered at least sixteen (16) violations of this section. In addition to patrons being in a prohibited location, they have been in possession of open containers of alcoholic beverages. These incidents have been documented and copies of the reports were forwarded to Code Enforcement. Police have also responded to at least eight (8) complaints of loud music by neighboring businesses and hotel guests. This is a direct violation of section 2H of the Corner Office Sports Grill's Public Entertainment Permit.

Over serving of Alcoholic Beverages

Officers have dealt with two (2) patrons who were arrested for public drunkenness and three (3) additional patrons were arrested for drunk driving. In a telephone conversation with Stephanie Potter (co-owner) approximately two (2) weeks ago, I explained to her that I was concerned with increased criminal activity at her business. In one response to a statement that I made to Ms. Potter, she stated to the effect, what was she to do if the customers drink too much. Ms. Potter paused at the same time I interjected, "Don't over serve." She replied, "You're right."

Lack of Adequate Security

Since the recent shooting incident (May 21, 2005), officers have been conducting increased patrol in and about the Corner Office Sports Grill. On Saturday, May 28, officers did not see any security officers at the business. Under sections 2D&H, Corner Office Sports Grill is required to utilize security officers to

supervise patrons and assure that the business complies with certain requirements of the permit.

The sixteen (16) violations of the patio use (2B) and eight (8) violations of the noise restriction (2H), clearly indicate that security, if present, is not doing what is required of them. Additionally, patrons are drinking alcoholic beverages in excessive levels, which are leading to public intoxication and drunk driving arrests and the potential for fatal traffic collisions. Patrons are fighting with bottles, knives and guns. Where was the Corner Officer Sports Grill's security staff when these incidents occurred?

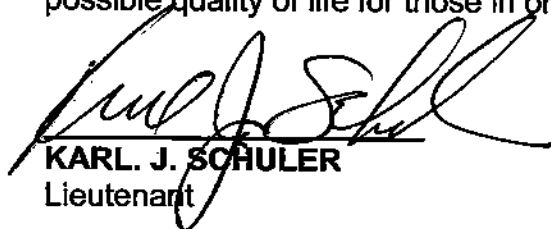
RECOMMENDATIONS:

To reduce criminal activity and provide a safer environment, Police Department staff recommends that the following conditions be met in regards to the Corner Office Sports Grill's Public Entertainment Permit:

1. Eliminate live music, Karaoke, mobile disc jockey and dancing.
2. No private parties
3. A closing time of no later than 11:00 p.m.

CONCLUSION:

Serious crime and calls for police and fire services has reached a level that is unacceptable as they apply to the Corner Office Sports Grill. The types of crime have escalated to patrons using lethal force upon each other. Ongoing Municipal Code violations, with as many warnings from officers, indicate a non-compliant attitude by Corner Office Sports Grill ownership. It is imperative that modifications to the current permit be made immediately, to assure the best possible quality of life for those in or around the Corner Office Sports Grill.


KARL J. SCHULER
Lieutenant

Code Enforcement Letter Dated November 3, 2004



CITY OF COSTA MESA

P O BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

November 3, 2004

COPY

Neotrinity Enterprises, Inc.
Corner Office
580 Anton Blvd.
Costa Mesa, CA 92626

Attention: Stephanie Potter
Regarding: Possible revocation of Entertainment Permit Approved January 29, 2004

Dear: Ms. Potter

As you are aware, Neotrinity – Corner Office, operates under a Conditional Use Permit as well as an Entertainment Permit.

From April of this year through October 2004, we have received (8) eight incidents involving Police activity relating to your business and (4) four incidents involving violations of the Conditions set fourth in the Entertainment Permit issued to you.

Generally speaking. DUI arrests, Fights, Disturbances, and leaving open the rear doors.

Twelve incidents in a six month period is not acceptable. I would strongly suggest you exercise paragraph 2 sub-section D of your Conditions of Approval PA-95-10.

Failure to supervise your patrons, or continued Police responses will give me no choice but to revoke your Entertainment Permit and Recommend revocation of your Conditional Use permit to the City Council.

If you have any questions, or do not understand this warning, please feel free to call me at 714 754-4952

Very truly yours,


Jim Golfos
Chief of Code Enforcement

Cc: Planning Department

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ORIGINAL STAFF REPORTS



CITY OF COSTA MESA

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**